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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,099	03/13/2001	Gayle Marie Frankenbach	8244	2087

27752 7590 01/11/2006

THE PROCTER & GAMBLE COMPANY
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EXAMINER

KHAN, AMINA S

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/805,099	FRANKENBACH ET AL.	
	Examiner	Art Unit	
	Amina Khan	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 15-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 15-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/24/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In view of the new grounds for rejection, the rejection of claims 1-80 made on July 1, 2005 over Trinh et al. (US 5,977,055) is withdrawn. Applicant's arguments are fully considered but are rendered moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language "composition has a flash point of greater than about 60°C" is unclear. The examiner is unclear as to whether the applicant is referring to the flash point to the entire composition or the flash point of the organic solvent as claimed in claim 2 to which this claim depends. For examination purposes the examiner interpreted the flash point to be that of any of the organic solvents. Appropriate clarification of the claim language is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 and 15-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Frankenbach et al. (US 6,495,058) in view of The Merck Index.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

The prior art of Frankenbach et al. teaches methods of removing wrinkles by providing a wrinkle removal composition which may be used without heat and providing a set of instructions (column 52, lines 26-30) to apply said composition to wrinkles and to manipulate the fabric to remove wrinkles and let the fabric dry (column 55, lines 34-67), which meets the claimed limitations of claim 1.

Frankenbach further teaches that the compositions comprise at least 0.5% but less than 15% by weight water-soluble solvent (column 13, lines 33-39), specifically hexylene glycol (column 13, lines 8-11), which meets the claimed limitations of claims 2-6. Frankenbach further teaches that the compositions comprise perfumes (column 28, lines 35-44), which meets the claimed limitation of claim 9, and starch (column 28, lines 1-10), which meets the claimed limitation of claim 10. Frankenbach further teaches that the composition is provided in a container and the set of instructions is also provided

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associated with the container (column 51, lines 1-20), which meets the claimed limitations of claim 11.

Frankenbach further teaches that the instructions disclose to use a hair dryer to blow air across the fabric (column 56, lines 18-24), which meets the claimed limitation of claim 15. Frankenbach further teaches stretching or smoothing of the fabric by hand (column 53, lines 20-25 and 32), which meets the claimed limitations of claims 16 and 17. Frankenbach further teaches pinching the fabric with hands to reinforce creases or pleats (column 55, lines 34-64), which meets the claimed limitations of claim 18. Frankenbach further teaches that the instructions provide benefits other than wrinkle removal such as reducing odors, improving softness, etc. (column 51, lines 7-21), which meets the claimed limitation of claims 19 and 21. Frankenbach further teaches that the compositions are useful to treat garments for extending the time before another wash cycle is needed (column 53, lines 40-43), which meets the claimed limitations of claims 20 and 41.

Frankenbach further teaches that the compositions be held in a spray dispenser (column 51, lines 64-66), specifically a non-manual powered sprayer (column 4, lines 16-25), which meets the claimed limitations of claims 38 and 39. Frankenbach further teaches that the sprayer stream will be released by a triggering mechanism (column 54, lines 23-30), which meets the claimed limitations of claim 40. Frankenbach further teaches how to treat fabrics after improper storage, specifically after compression from storage in tight containers or after being left in the dryer too long after the end of the

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drying cycle (column 53, lines 62-67; column 54, lines 1-10), which meets the claimed limitations of claims 42 and 43.

Frankenbach further teaches that the instructions comprise instruction to treat fabrics with 5-150% by weight of the fabric of the composition (column 53, lines 8-15), which meets the claimed limitations of claim 44. Frankenbach further teaches that the composition be applied evenly over fabric (column 54, lines 44-46) using a sweeping motion (column 54, lines 49-52), which meets the claimed limitations of claims 45 and 46. Frankenbach further teaches that the compositions be more highly dosed over wrinkled sites (column 54, lines 55-57) and the fabric sprayed from at least 6 inches but less than 12 inches away (column 54, lines 31-44), which meets the claimed limitations of claims 47, 48 and 49. Frankenbach further teaches that the composition be applied to household fabrics while the household fabrics reside in their typical environment, such as shower curtains being treated on the rod and table linens treated on the table (column 57, lines 49-55), which meets the claimed limitations of claim 50. Frankenbach further teaches that the composition be applied to fabrics while on the hanger (column 54, lines 13-15).

Regarding the claimed limitation of a composition with a flash point greater than 60°C as claimed in claim 7, Frankenbach does teach the use of hexylene glycol in the disclosed composition which has a flash point of 93°C (see The Merck Index, page 4610), which meets the claimed limitation of claim 7.

Regarding the claimed limitation of “uniform composition when at rest”, while the prior art is silent about the claimed property, it would be inherent to the composition

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because the composition comprises the same components (water miscible solvent, perfumes, and starch).

Regarding claims 22-37 and 52-80, which further limit the instructional information provided to the consumer, Frankenbach teaches including instructions either printed on the container itself or presented in a separate manner including, but not limited to, a brochure, print advertisement, electronic advertisement, and/or broadcast communication so as to communicate the set of instructions to a consumer of the article of manufacture (column 51, lines 22-34; column 52, lines 1-30), which meets the claimed limitations of the instant claims.

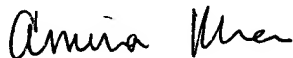
Accordingly, the teachings of Frankenbach et al. anticipate the material limitations of the instant claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Patent Examiner
January 3, 2006



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